IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

IN RE: § § CHRIS PETTIT & ASSOCIATES, P.C. § CHRISTOPHER JOHN PETTIT, § § Jointly Administered Debtors. § § § §	LEAD CASE NO. 22-50591-CAG SECOND CASE No. 22-50592-CAG Chapter 11 (Jointly Administered Under Case No. 22-50591)

JAMES C. ARMSTRONG, *et. al.* § § Plaintiffs, § § VS. § § WELLS FARGO BANK, N.A.; WELLS § FARGO BANK WEST; AMERICAN BANK, § N.A., d/b/a TEXSTAR NATIONAL BANK § a/k/a TEXSTAR BANK; TEXAS PARTNERS § BANK d/b/a THE BANK OF SAN ANTONIO; § WINTER PARK NATIONAL BANK; and § FROST BANK, § § Defendants. §	CIVIL ACTION NO. SA-24-MC-177-FB (Adversary No. 23-05088-CAG)

ORDER GRANTING MOTION TO WITHDRAW THE REFERENCE

Before the Court are: (1) Frost Bank's Motion to Withdraw the Reference filed in the

bankruptcy court proceeding on February 6, 2024, at docket entry 26, and attached to the

Transmission of Motion for Withdrawal of Reference filed in this Court on February 21, 2024

(docket entry #1, at attachment #1); (2) Response to Motion of Defendant Frost National Bank to

Withdraw Reference filed in the bankruptcy case on February 20, 2024, at docket entry 32, and

attached to the Transmission of Motion for Withdrawal of Reference filed in this Court on February

21, 2024 (docket entry #1, at attachment #2; (3) American Bank, N.A.'s Reply to Plaintiffs'

Response to Motion of Defendant Frost National Bank to Withdraw the Reference filed on February

27, 2024 (docket entry #2); and (4) Frost Bank's Reply in Support of Its Motion to Withdraw the

Reference filed on February 27, 2024 (docket entry #3). According to the motion, Defendant Frost

Bank seeks the withdrawal of the reference of the adversary proceeding because: (1) pursuant to the

Class Action Fairness Act (CAFA), this Court has original jurisdiction over this interstate class

action; (2) the implication of complex federal banking laws and regulations in this dispute is a

ground for mandatory withdrawal of the reference pursuant to 28 U.S.C. § 157(d) which requires

withdrawal of the reference of any proceeding that involves "'significant interpretation, as opposed

to simple application, of federal laws apart from the bankruptcy statutes,'" Motion to Withdraw,

docket #1 at attachment 1, at page 24; (3) various factors in this case support withdrawal for cause

pursuant to 28 U.S.C. § 157(d); and (4) Defendant Frost Bank does not consent to the Bankruptcy

Court presiding over a jury trial in this adversary proceeding.

The Court has carefully considered the arguments and authorities raised by Defendant Frost

Bank in its motion and reply in support of its motion to withdraw the reference along with those

contained in Plaintiff's response and Defendant American Bank N.A.'s reply to Plaintiff's response

and finds Defendant's motion has merit and should be granted.

Accordingly, based on the arguments and authorities presented by the Defendants Frost Bank

and American Bank N.A., IT IS HEREBY ORDERED that Frost Bank's Motion to Withdraw the

Reference filed in the bankruptcy court proceeding on February 6, 2024, at docket entry 26, and

attached to the Transmission of Motion for Withdrawal of Reference filed in this Court on February

21, 2024 (docket entry #1, at attachment #1) is GRANTED such that the reference of the above-

captioned Adversary Proceeding to the United States Bankruptcy Court for the Western District of

Texas is WITHDRAWN to the United States District Court for the Western District of Texas, San

Antonio Division.

IT IS FURTHER ORDERED that any challenge to this Court's jurisdiction shall be filed within 30 days of the date of this order. Responses shall be filed within 30 days of the date of the any such motion, and replies, if any, shall be filed within 14 days of the response.

IT IS FURTHER ORDERED that the Clerk of Court send a certified copy of this Order to the United States Bankruptcy Clerk.

It is so ORDERED.

SIGNED this 21st day of June, 2024.

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FRED BIERY
UNITED STATES DISTRICT JUDGE